

REMARKS

The applicant's remarks, below, are each preceded by quotations of related comments of the examiner in small, boldfaced type.

**On p.2 of the Applicant's above-cited instant Response, the Applicant's attempt to correct the errors noted by the Examiner in paragraphs [0022] and [0027] is unsuccessful because the Applicant has failed to line through the errors and underline the corrective replacements. The Applicant should further amend the paragraphs indicated as [0022] and [0027] to make clear the corrective amendments.**

**Furthermore, the Applicant must use page and line numbers, and NOT the paragraph numbers [0022], [0027] and [0033] indicated in the above-mentioned amendment to the Specification because the paragraphs of the Specification, as filed on February 14, 2002, are NOT so enumerated; only lines and pages are indicated.**

Appropriate correction is required.

The specification has been amended.

**Claims 1-7, 9-24 and 27-31 have been allowed.**

The applicant acknowledges that the examiner has allowed these claims.

**8. The Examiner acknowledges Applicant's stated intent to file a terminal disclaimer (see p.8 of Applicant's instant Response), evidently as partial fulfillment of one of the available procedures for disqualifying the Marketkar et al. reference (US 2001/0024888 A1) relied upon by the Examiner for the rejections of Claims 25 and 26 set forth in the present Office Action, above. However, no such terminal disclaimer was ever filed and the Applicant has not fully complied with any of the available procedures for overcoming the above-cited rejections. A summary of the procedures for overcoming the rejections set forth above is repeated below:**

The applied reference (Marketkar et al.) has a common inventor and assignee with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art only under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 103(a) might be overcome by: (1) a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not an invention "by another"; (2) a showing of a date of invention for the claimed subject matter of the application which corresponds to subject matter disclosed but not claimed in the reference, prior to the effective U.S. filing date of the reference under 37 CFR 1.131; or (3) an oath or declaration under 37 CFR 1.130 stating that the application and reference are currently owned by the same party and that the inventor named in the application is the prior inventor under 35 U.S.C. 104, together with a terminal disclaimer in accordance with 37 CFR 1.321 (c). For applications filed on or after November 29, 1999, this rejection might also be overcome by showing that the subject matter of the reference and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person. See MPEP 5 706.02(1)(1) and § 706.02(1)(2).

Regarding section (3) in the paragraph reproduced above, the Examiner recommends the Applicant consult the MPEP § 718. Since the Applicant's apparent intent to disqualify Marketkar et al. has been stated but without actual compliance with any of the requirements, the Examiner has repeated the rejection of Claims 25-26 under Marketkar et al. in view of Ishibashi et al., as set forth in the previous Office Action of December 14, 2004.

Applicant : Yinan Wu et al.  
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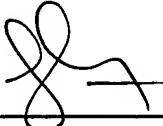
To remove Marketkar (US 2001/0024888 A1; now US Pat. No. 6,533,586) as a reference on which the examiner can rely for his rejection of claims 25 and 26, the applicant encloses a terminal disclaimer.

It is believed that all of the pending claims have been addressed. However, the absence of a reply to a specific rejection, issue or comment does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

Please apply any charges or credits to deposit account 06-1050.

Respectfully submitted,

Date: 7/18/05

  
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